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JOURNAL

OF THE

CONVENTION,

OF THE

TERRITORY OF THE UNITED STATES

NORTH WEST OF THE OHIO,

BEGUN AND HELD AT CHILLICOTHE,

ON MONDAY THE FIRST DAY OF NOVEMBER, A. D. 1802,

AND OF THE

Independence of the United States

THE TWENTY-SEVENTH.

PUBLISHED BY AUTHORITY.

COLUMBUS:

GEORGE NASHEE, STATE PRINTER.

1827.

JOURNAL OF THE CONVENTION,

BEGUN and held at the town of Chillicothe, in the county of Ross, and territory aforesaid, on the first Monday in November, (being the first day thereof) in the year of our Lord, one thousand eight hundred and two, and of the Independence of the United States of America, the twenty-seventh.

On which day, being the time and place appointed for the meeting of the Convention, for the purpose of forming a constitution and state government, by the act of Congress, entitled "An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes," the following members appeared, who produced certificates of their having been duly chosen to serve in the Convention, and having severally taken the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of their office, took their seats, to wit:

From the county of Adams—Joseph Darlinton, Thomas Kirker and Israel Donalson.

From the county of Belmont—James Caldwell.

From the county of Hamilton—Francis Dunlavy, John Paul, Jeremiah Morrow, John Wilson, Charles Willing Byrd, William Goforth, John Smith and John Reily.

From the county of Jefferson—Rudolph Bair, John Milligan and George Humphrey

From the county of Ross—Edward Tiffin, Nathaniel Massie, Thomas Worthington, Michael Baldwin and James Grubb; and

From the county of Trumbull—Samuel Huntington.

On motion, The Convention proceeded to the choice of a President *pro tempore*, when William Goforth, Esquire, was chosen and took the chair.

On motion, The Convention proceeded to the choice of a Secretary, *pro tempore;* whereupon, Mr. William M'Farland was chosen and proceeded to the duties of his office.

On motion,

Resolved, That a standing committee of Privileges and Elections, to consist of five members, be chosen by ballot, whose duty it shall be to examine and report upon the credentials of the members returned to serve in the Convention, and to take into consideration all such matters as shall or may be referred to them, touching returns and elections,

and to report their proceedings, with their opinion thereupon, to the Convention.

And a committee was appointed of Mr. Worthington, Mr. Darlinton, Mr Smith, Mr. Milligan and Mr. Huntington.

On motion, The Convention proceeded, by ballot, to the choice of a door-keeper, to serve during the pleasure of the Convention; and upon examining the ballots, a majority of the votes was found in favor of Adam Betz.

On motion, Ordered, That a committee of three be appointed to prepare and report rules for the regulation and government of the Convention, and that Mr. Reily, Mr. Milligan and Mr. Worthington, be the said committee.

And then the Convention adjourned until to-morrow morning, ten o'clock.

TUESDAY, *November the 2d*, 1802.

Several other members, to wit: from the county of Belmont, Elijah Woods; from the county of Fairfield, Emanuel Carpenter and Henry Abrams; from the county of Jefferson, Bazaleel Wells and Nathan Updegraff; from the county of Hamilton, John W. Browne; and from the county of Washington, Rufus Putnam, Ephraim Cutler, John M'Intire and Benjamin Ives Gilman, appeared, who severally produced certificates of their having been chosen as members to the Convention, and having taken the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of their office, took their seats.

Mr. Worthington, from the committee of Privileges and Elections. to whom was referred the several returns of election of members to serve in the Convention, made a report, which he delivered in at the Secretary's table, where the same was read in the words following, to wit:

The committee of Privileges and Elections, to whom was referred the certificates of the elections of the following members, viz:

From the county of Adams—Joseph Darlinton, Thomas Kirker and Israel Donalson, Esquires;

From the county of Belmont—James Caldwell, Esquire;

From the county of Clermont—Philip Gatch and James Sargent, Esquires;

From the county of Hamilton—Francis Dunlavy, John Paul, Jeremiah Morrow, John Wilson, Charles Willing Byrd, William Goforth, John Smith and John Reily, Esquires;

From the county of Jefferson—Rudolph Bair, John Milligan and George Humphrey, Esquires;

From the county of Ross—Edward Tiffin, Nathaniel Massie, Thomas Worthington, Michael Baldwin and James Grubb, Esquires; and

From the county of Trumbull—Samuel Huntington, Esquire;

Having carefully examined the same, find them regular and agreeably to a law of the territory, entitled "An act to ascertain the number

of free male inhabitants of the age of twenty-one, in the territory of the United States, north west of the river Ohio; and to regulate the elections of representatives for the same;" and that the members aforesaid, from the certificates to us referred, appear duly elected.

The said report was again read, and on the question thereupon, agreed to by the Convention.

On motion,

Resolved, That the Convention proceed, by ballot, to the choice of a President.

The Convention accordingly proceeded to choose their President, and upon examining the ballots it was found that Edward Tiffin, Esquire, was duly chosen, who accordingly took his seat in the chair, and delivered the following address:

Gentlemen—I beg you to be assured, that I duly appreciate the honor you have conferred in selecting me to preside over your deliberations, on this important occasion; the duties of the chair will, I presume, be pleasing and easy, for, from the known characters of the gentlemen who compose this Convention, there can be no doubt but that the utmost propriety and decorum will be observed, without the aid of interference from the chair. Whatever rules you may adopt for the government of the Convention, shall be strictly observed, and in every decision which may be required from the chair, the utmost impartiality shall be evinced.

On motion,

Resolved, That the Convention proceed, by ballot, to the choice of a Secretary, and that the person having a plurality of votes be elected.

The Convention accordingly proceeded to choose their Secretary, and upon examining the ballots, it was found that Thomas Scott, Esquire, was duly chosen, who thereupon took the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of his office.

On motion,

Resolved, That the Convention proceed, by ballot, to the choice of an Assistant Secretary.

The Convention accordingly proceeded to the choice of an Assistant Secretary, and upon examining the ballots, a majority of the votes of the whole number was found in favor of Mr. William M'Farland, who thereupon took the oath of fidelidy to the United States, and also an oath faithfully to discharge the duties of his office.

And then the Convention adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, *November the 3d*, 1802.

Another member, to wit; from the county of Hamilton, John Kitchel, who appeared, produced a certificate of his having been duly chosen as a member in the Convention, and having taken the oath of fidelity

to the United States, and also an oath faithfully to discharge the duties of his office, took his seat.

Mr. Reily, from the committee appointed to prepare and report rules for the regulation and government of the Convention, made a report, which was received and read; whereupon,

Resolved, That the same be established as the standing rules and orders of the Convention.

Standing Rules and Orders of the Convention.

1. The President shall take the chair every day at the hour to which the Convention shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. The President shall preserve decorum and order; may speak to points of order in preference to other members, rising from the chair for that purpose, and shall decide questions of order, subject to an appeal to the Convention by any one member.

3. The President, rising from his seat, shall distinctly put the question in this form, viz: "You who are of opinion that (as the case may be) say *aye*; contrary opinion say *no*."

4. If the President doubts, or a division be called for, the members shall divide, those in the affirmative first rising from their seats, and afterwards those in the negative. If a count be required by any member, the President shall name two members, one from each side, to tell the numbers, beginning with the affirmative, report of the same being made to the President, he rising from his seat, shall state the decision.

5. Any member may call for a statement of the question, which the President may give sitting.

6. The President with five members, shall be a sufficient number to adjourn; seven to call a house and send for absent members, and make an order for their censure or discharge, and a majority of the whole number, consisting of two thirds of the whole number elected, be a quorum to proceed to business.

7. When a member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to Mr. President.

8. If any member in speaking or otherwise, transgress the rules, the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain, and the Convention shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

When two or more happen to rise at the same time, the President shall name the person who is first to speak.

10. No member shall speak more than twice to the same question, without leave of the Convention.

11. Whilst the President is putting a question or addressing the Convention, none shall walk out of or across the room, nor when a member is speaking, entertain private discourse or pass between him and the chair

12. No member shall vote on any question or in any case where he was not present when the question was put.

13. Upon calls of the Convention for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

14. Any member shall have a right to call for the yeas and nays, provided he shall request it before the question be put.

15. When a motion is made and seconded, it shall be stated by the President, or being in writing shall be read aloud by the Secretary; and every motion shall be reduced to writing, if the President or any member require it.

16. Any member may call for a division of the question, where the sense will admit of it.

17. Each member shall particularly forbear personal reflection, nor shall any member name another in argument or debate.

18. After a motion is stated by the President or read by the Secretary, it shall be deemed to be in possession of the Convention, but may be withdrawn at any time before a decision or amendment.

19. When a question is under debate, no motion shall be received unless it be the previous question, or for amending or committing the original motion or subject in debate.

20. The previous question shall be in this form, "Shall the main question be now put?" it shall only be admitted when demanded by three members, and until it is decided shall preclude all amendment and further debate on the original motion.

21. In taking the sense of the Convention, a majority of the votes of the members present shall govern.

22. If any member fails in attending to his duty, such officer as may be appointed for that purpose, by order of the Convention, shall take him into custody, for which the officer shall receive one dollar per day for the time he is travelling to and from the place of residence of the member, and until he is admitted to his seat, to be paid by the delinquent.

23. No resolution, section or article in the constitution, shall be finally concluded and agreed upon, until the same shall have received three several readings.

24. The Convention shall resolve itself into a committee of the whole, when deemed necessary, and when in committee of the whole shall be governed by the foregoing rules, except that in committee of the whole any member shall speak as often as he may think proper.

25. The President shall appoint committees, liable to addition or amendment, on the motion of any member, unless otherwise directed by the Convention.

26. A motion to adjourn shall always be in order, and be decided without debate.

A motion was made and seconded, that Arthur St. Clair, sen. Esq. be permitted to address the Convention on those points which he deems of importance.

And on the question thereupon it was resolved in the affirmative—yeas 19, nays 14.

Those who voted in the affirmative are,

Messrs. Bair, Browne, Caldwell, Cutler, Dunlavy, Gilman, Humphrey, Huntington, M'Intire, Massie, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells and Woods.

Those who voted in the negative are,

Messrs. Abrams, Baldwin, Byrd, Carpenter, Darlinton, Donalson, Gatch, Goforth, Grubb, Kitchel, Kirker, Milligan, Wilson and Worthington.

And thereupon, Arthur St. Clair, sen. Esq. was permitted to address the Convention.

On motion, Leave was given to lay before the Convention a resolution on the subject of forming a constitution and state government; which resolution was received and read the first time.

On motion, The said resolution was read the second time; whereupon,

Resolved, That the Convention will immediately resolve itself into a committee of the whole on the said resolution.

The Convention accordingly resolved itself into the said committee, Mr. Goforth in the chair and after some time spent therein, Mr. President resumed the chair, and Mr. Goforth reported, that the committee had, according to order, had the said resolution under consideration, and made no amendment thereto.

The said resolution was then amended at the Secretary's table, and read the third time, and on the question that the Convention do agree to the same, in the words following:

Whereas, Congress did, by the law, entitled 'An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for the admission of said state into the Union on an equal footing with the original states, and for other purposes; that the members of the Convention thus duly elected, agreeably to the act aforesaid, when met, shall first determine by a majority of the whole number elected, whether it be or be not expedient, at this time, to form a constitution and state government for the people within the said territory: Therefore,

Resolved, That it is the opinion of this Convention, that it is expedient, at this time, to form a constitution and state government.

It was resolved in the affirmative—yeas 32—nay 1.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Hum-

phrey, Huntington, Kirker, Kitchel, M'Intire, Massie, Milligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

The vote in the negative, was

Mr. Cutler.

On motion,

Resolved, That the Convention will now proceed to form a constitution and state government.

On motion,

Resolved, That a committee be appointed, to consist of one member from each county, to prepare and report a preamble and the first article of the constitution.

And a committee was appointed, to wit:

From the county of Hamilton, Mr. Byrd; from the county of Clermont, Mr. Gatch; from the county of Adams, Mr. Darlinton; from the county of Ross, Mr. Massie; from the county of Fairfield, Mr Carpenter; from the county of Washington, Mr. Putnam; from the county of Jefferson, Mr. Milligan; from the county of Trumbull, Mr Huntington; and from the county of Belmont, Mr. Caldwell.

On motion, Ordered, That the following persons be added to the said committee, to wit:

From the county of Hamilton, Mr. Paul and Mr. Smith; from the county of Adams, Mr. Kirker; from the county of Ross, Mr. Worthington; from the county of Washington, Mr. Gilman; and from the county of Jefferson, Mr. Wells.

On motion, Ordered, That Mr. M'Farland, assistant Secretary, attend the said committee.

On motion,

Resolved, That a committee of two, be appointed to provide fuel and stationary; also, to contract for the necessary printing for the Convention. and that Mr. Massie and Mr. Grubb, be the said committee.

Mr. Worthington, from the committee of Privileges and Elections, to whom was referred the several returns of elections of members, to serve in the Convention, made a report, which he delivered in at the Secretary's table, where the same was read as followeth:

The committee of privileges and elections, to whom was referred the certificates of election of the following members, viz:

From the county of Belmont, Elijah Woods, Esq.; from the county of Fairfield, Emanuel Carpenter and Henry Abrams, Esq'rs.; from the county of Hamilton, John W. Browne and John Kitchel, Esq'rs.; from the county of Jefferson, Nathan Updegraff and Bazaleel Wells, Esq'rs. and from the county of Washington, Rufus Putnam, Ephraim Cutler, John M'Intire and Benjamin Ives Gilman, Esq'rs., having carefully examined the same, report that from the certificates to us referred, the members aforesaid, appear duly elected.

The said report was again read, and on the question thereupon agreed to by the Convention.

And then the Convention adjourned until to-morrow, twelve o'clock.

THURSDAY, *November the 4th*, 1802.

Mr. Putnam, from the committee appointed to prepare and report a preamble and the first article of the constitution, reported a preamble to the constitution; which was received and read the first time: Whereupon,

Resolved, That the Convention will immediately resolve itself into a committee of the whole Convention, on the said preamble.

The Convention accordingly resolved itself into the said committee, Mr Reily in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Reily reported, that the committee had, according to order, had the said preamble under consideration, and made an amendment thereto; which he delivered in at the Secretary's table.

Ordered, That the said preamble, with the amendments, do lie on the table.

On motion, Ordered, That the committee appointed to provide fuel and stationary; also to contract for the printing for the present Convention, be directed to inquire of the printer, what seven hundred copies of the journal and constitution will cost; what every additional three hundred copies will cost, and report the same to the Convention.

On motion, Ordered, That a committee of three be appointed to revise the journal of the Convention, before it goes to the press.

And a committee was appointed of Mr. Reily, Mr. Gilman and Mr. Donalson.

On motion, Ordered, That a committee of nine be appointed, to prepare and report a bill of rights and a schedule, for the purpose of carrying into complete operation, the constitution and government.

And a committee was appointed of Mr. Goforth, Mr. Dunlavy, Mr. Browne, Mr. Baldwin, Mr. Grubb, Mr. Woods, Mr. Updegraff, Mr. Cutler and Mr. Donalson.

And then the Convention adjourned until to morrow, twelve o'clock.

FRIDAY, *November the 5th*, 1802.

A motion was made and seconded, that the Convention expunge from their journal, the resolution and all the proceedings relative thereto, which authorized the President to inclose to his Excellency the Governor, and those members of the Territorial Legislature, who are not in the Convention, their opinion on the impropriety of holding another session of the Territorial Legislature.

And on the question, will the Convention agree to the same, it was resolved in the affirmative—yeas 25, nays 8.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs Abrams, Bair, Browne, Cutler, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, M'Intire, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson and Woods.

Those who voted in the negative, are

Messrs. Baldwin, Byrd, Caldwell, Carpenter, Darlinton, Massie, Milligan and Worthington.

On motion,

Resolved, That the President, in behalf of the Convention, request the Governor to dissolve or prorogue the present Territorial Legislature.

Mr. Massie, from the committee directed to inquire of the printers, what seven hundred copies of the constitution will cost; also, what every additional three hundred copies will cost, made a report, which was recieved and read the first time: Whereupon,

Ordered, That the said report be committed to Mr. Smith, Mr. Darlinton, Mr. Massie, Mr. Cutler and Mr. Bair.

And then the Convention adjourned until to-morrow morning, ten o'clock.

SATURDAY, *November the 6th*, 1802.

Mr. Putnam, from the committee appointed to prepare and report a preamble and the first article of the constitution, reported the first article of the constitution; which was received and read the first time: Whereupon,

Ordered, That the said article be committed to a committee of the whole Convention, on Monday next.

On motion, Ordered, That forty copies of the said article be printed for the use of the members and officers of the Convention.

On motion, Ordered, That a committee be appointed to prepare and report the second article of the constitution, on the supreme Executive authority.

And a committee was appointed of Mr. Paul, Mr. Byrd, Mr. Smith, Mr. Gatch, Mr. Darlinton, Mr. Kirker, Mr. Massie, Mr. Worthington, Mr Carpenter, Mr Putnam, Mr. Gilman, Mr. Huntington, Mr. Milligan, Mr. Wells and Mr. Caldwell.

The Convention proceeded to consider the amendment reported on Thursday last, from the committee of the whole Convention, to the preamble to the Constitution; and the same being read, was agreed to.

And then the Convention adjourned until Monday morning, ten o'clock.

MONDAY, *November the 8th*, 1802.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the first article of the constitution, Mr. Darlinton in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Darlinton reported, that the committee had, according to order, had the said article under consideration, and made some progress therein.

Resolved, That the Convention will, to-morrow, again resolve itself into a committee of the whole Covention, on the said article.

And then the Convention adjourned until to-morrow morning, ten o'clock,

TUESDAY, *November the 9th*, 1802.

Mr. Massie, from the committee appointed to prepare and report the second article of the constitution, on the supreme executive authority, made report; which was received and read the first time: Whereupon,

Ordered, That the said article be committed to a committee of the whole Convention, to-morrow.

Mr. Smith, from the committee to whom was referred the proposals of Mr. Nathaniel Willis and Messrs. Carpenter and Findlay, for printing the journal and constitution, now framing, made a report; which was recieved and read the first time and ordered to lie on the table.

The Convention, according to the order of the day, again resolved itself into a committee of the whole Convention, on the first article of the constitution, Mr. Darlinton in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Darlinton reported, that the committee had, according to order, again had the said article under consideration, and made several amendments thereto; which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion, Ordered, That a committee be appointed to prepare and report the third article of the constition, on the Judiciary.

And a committee was appointed of Mr. Paul, Mr. Byrd, Mr. Smith, Mr. Gatch, Mr. Darlinton, Mr. Kirker, Mr. Massie, Mr. Worthington, Mr. Carpenter, Mr. Putnam, Mr. Gilman, Mr. Milligan, Mr. Wells, Mr. Caldwell and Mr. Huntington.

And then the Convention adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, *November the 10th*, 1802.

A motion was made and seconded, that Mr. Nathaniel Willis be appointed printer to the Convention.

And on the question thereupon, it was resolved in the affirmative—yeas 27—nays 5.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, M'Intire, Massie, Milligan, Morrow, Putnam, Sargent, Smith, Updegraff, Wilson, Woods and Worthington.

Those who voted in the negative, are

Messrs. Dunlavy, Kitchel, Paul, Reily and Wells.

On motion, Ordered, That Mr. Baldwin be added to the committee appointed to prepare and report the third article of the constitution, on the Judiciary.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the second article of the constitution, on the supreme executive authority, Mr. Massie in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Massie reported, that the committee had, according to order, had the said article under consideration, and made several amendments thereto; which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion, Ordered, That Mr. Reily be added to the committee appointed to prepare and report a bill of rights, and a schedule, for the purpose of carrying into complete operation the constitution and government.

On motion, Ordered, That a committee be appointed to contract with Mr. Nathaniel Willis, printer, of Chillicothe, for the printing of seven hundred copies of the journal of the Convention, and one thousand copies of the constitution now framing, in octavo, on the terms proposed by the said Willis; and also, for such other printing as may be found necessary, during the sitting of the Convention, on the same terms that such printing hath heretofore been contracted for by the Legislature of the territory; and that Mr. Darlinton and Mr. Reily be the said committee.

And then the Convention adjourned until to morrow morning, twelve o'clock.

THURSDAY, *November the 11th*, 1802.

Mr. Goforth, from the committee appointed to prepare and report a bill of rights, and a schedule for the purpose of carrying into complete operation, the constitution and government, reported a bill of rights; which was received and read the first time: Whereupon,

Ordered, That the said bill of rights be committed to a committee of the whole Convention, to-morrow.

And then the Convention adjourned until to-morrow morning, twelve o'clock.

FRIDAY, *November the 12th*, 1802.

On motion, Ordered, That a committee of five be appointed to prepare and report the fourth article of the constitution, designating the qualifications of electors.

And a committee was appointed of Mr. Morrow, Mr. Paul, Mr. Kirker, Mr. Grubb and Mr. Bair.

Mr. Smith, from the committee appointed to prepare and report the third article of the constitution, on the judiciary, made a report which was received and read the first time: Whereupon,

Ordered, That the said article be committed to a committee of the whole Convention to-morrow.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the bill of rights, Mr. Worthington in the chair, and after some time spent therein, Mr. President resumed the chair and Mr. Worthington reported, that the committee had, according to order, had the said bill of rights under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said bill of rights, with the amendments, do lie on the table.

Another member, to wit: from the county of Trumbull, David Abbot, who appeared, produced a certificate of his having been duly chosen as member in the Convention, and having taken the oath of fidelity to the United States, and also an oath faithfully to discharge the duties of his office, took his seat.

On motion, Leave was given to lay before the Convention a resolution, for submitting the constitution or frame of government, now preparing, to the people of the eastern division of the territory northwest of the Ohio, for their acceptance or disapprobation; which resolution was received and read the first time: Whereupon,

Ordered, That the said resolution be committed to a committee of the whole Convention to-morrow.

On motion, Ordered, That a committee of six be appointed, to prepare and report the sixth article of the constitution, designating the manner in which sheriffs, coroners and certain other civil officers, shall be chosen or appointed.

And a committee was appointed of Mr. Kitchel, Mr. Wilson, Mr. M'Intire, Mr. Abbot, Mr. Gilman and Mr. Baldwin.

On motion, Ordered, That a committee of five be appointed to prepare and report the sixth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed.

And a committee was appointed of Mr. Putnam, Mr. Byrd, Mr. Massie, Mr. Worthington and Mr. Sargent

And then the Convention adjourned until to-morrow morning, ten o'clock.

SATURDAY, *November the 13th*, 1802.

Mr. Worthington, from the committee appointed to prepare and report the fifth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed, made a report which was received and read the first time: Whereupon,

Ordered, That the said article be committed to a committee of the whole Convention on Monday next.

Mr. Morrow, from the committee appointed to prepare and report the fourth article of the constitution, designating the qualifications of electors, made a report, which was received and read the first time: Whereupon,

Ordered, That the said article be committed to a committee of the whole Convention on Monday next.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the resolution for submitting the constitution or frame of government, now preparing, to the people of the eastern division of the territory north-west of the Ohio, for their acceptance or disapprobation, Mr. Byrd in the chair, and after some time spent therein, Mr. President resumed the chair and Mr. Byrd reported, that the committee had, according to order, had the said resolution under consideration and directed him to report to the Convention their disagreement to the same.

On the question, that the Convention do agree with the committee of the whole Convention, in their disagreement to the said resolution, in the words following:

Resolved, That the constitution or frame of government by this Convention prepared for the people of the eastern division of the territory north-west of the Ohio, be submitted to them for their acceptance and confirmation, in the following manner, to wit: Meetings of the people for that purpose, shall be holden in the several election districts in each county, on the day of next, at which meetings the opinion of the people shall be taken by ballot; those who are for accepting the constitution, shall give in a ballot with the word *yea* wrote thereon; and those in the negative opinion, a ballot with the word *nay* on it. Judges shall be chosen to preside, who shall receive, count and certify the number of yeas and nays to the prothonotary, in the same manner as provided by law, for the election of Representatives to the General Assembly; the prothonotary, in the presence of the sheriff and two justices of the peace, shall count the yeas and nays, and make return thereof, sealed up, to on or before the day of

And be it further Resolved, That be and they are hereby appointed a committee, who, on the day of next, shall meet at and they, or a majority of them, shall open the returns of the several prothonotaries and count the number of the yeas and nays, and if there appears a majority of the people for accepting the constitution, the committee shall give notice thereof in the newspapers printed at Cincinnati, Chillicothe and Marietta; and the election of the Governor and members of the two Houses of the General Assembly shall proceed as provided for by this constitution. But if it appear that there is not a majority of the people for accepting of the constitution, then the committee aforesaid be, and they are hereby, vested with power, in the name and by the authority of this Convention, to call another Convention for the purpose of amending this or forming a con-

stitution, to be confirmed by the said Convention, without further reference to the people.

It was resolved in the affirmative—yeas 27, nays 7.

Those who voted in the affirmative are,

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, Massie, Milligan, Morrow, Paul, Sargent, Smith, Wilson, Woods and Worthington.

Those who voted in the negative are,

Messrs. Cutler, Gilman, M'Intire, Putnam, Reily, Updegraff and Wells.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the third article of the constitution, on the judiciary, Mr. Smith in the chair, and after some time spent therein Mr. President resumed the chair, and Mr. Smith reported, that the committee had, according to order, had the said article under consideration and made some progress therein.

Resolved, That the Convention will, on Monday next, again resolve itself into a committee of the whole Convention, on the said article.

And then the Convention adjourned until Monday morning, ten o'clock.

MONDAY, *November the 15th*, 1802.

The Convention, according to the order of the day, again resolved itself into a committee of the whole Convention, on the third article of the constitution, on the judiciary, Mr. Massie in the chair, and after some time spent therein Mr. President resumed the chair, and Mr. Massie reported, that the committee had, according to order, again had the said article under consideration and made a further progress therein.

Resolved, That the Convention will, to-day, again resolve itself into a committee of the whole Convention, on the said article.

Mr. Worthington, from the committee of Privileges and Elections, to whom was referred the return of election of David Abbot, from the county of Trumbull, to serve in the Convention, made a report, which he delivered in at the Secretary's table, where the same was read and agreed to in the words following, to wit:

The committee of Privileges and Elections, having examined the certificate of the election of David Abbot, Esquire, from the county of Trumbull, find the same agreeable to law, and further report, that it appears from the certificate aforesaid, that the said David Abbot, Esquire is duly elected as a representative to the Convention, from the county aforesaid.

The Convention, according to the order of the day, again resolved itself into a committee of the whole Convention, on the third article of the constitution, on the judiciary, Mr. Smith in the chair, and after

some time spent therein Mr. President resumed the chair, and Mr Smith reported, that the committee had, according to order. again had the said article under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

On motion, Ordered, That the said article, with the amendments thereto, be recommitted to Mr. Byrd, Mr. Huntington and Mr. Darlington.

The several orders of the day were further postponed until to-morrow.

And then the Convention adjourned until to-morrow morning, ten o'clock.

TUESDAY, *November the 16th*, 1802.

Mr. Kitchel, from the committee appointed to prepare and report the sixth article of the constitution, designating the manner in which sheriffs, coroners and certain other civil officers, shall be chosen or appointed. made a report, which was received and read the first time: Whereupon,

Ordered, That the said article be committed to a committee of the whole Convention to-day.

Mr. Darlinton, from the committee appointed to contract with Mr. Nathaniel Willis, printer, of Chillicothe, for the printing of seven hundred copies of the journal of the Convention, and one thousand copies of the constitution now framing, in octavo, and also for such other printing as may be found necessary, reported, that the committee had made the said contract, which he delivered in at the Secretary's table, where the same was read and agreed to by the Convention.

Mr. Byrd, from the committee to whom was recommitted the third article of the constitution, on the judiciary, reported an amendatory article on the judiciary, which was received and read the first time.

On motion, Ordered, That the said article be committed to a committee of the whole Convention to-morrow.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the fourth article of the constitution, designating the qualifications of electors, Mr. Baldwin in the chair, and after some time spent therein Mr. President resumed the chair, and Mr. Baldwin reported, that the committee had, according to order, had the said article under consideration, and made severa amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the fifth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed, Mr. Wells in the chair, and after some time spent therein Mr. President resumed the chair, and Mr. Wells reported, that

the committee had, according to order, had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion, Ordered, That a committee of five be appointed to prepare and report an article comprehending the general regulations and provisions of the constitution.

And a committee was appointed of Mr. Smith, Mr. Huntington, Mr. Worthington, Mr. Darlinton and Mr. Abrams.

On motion, Ordered, That a committee, to consist of one member from each county, be chosen by ballot, whose duty it shall be to take into consideration the propositions made by Congress, for the acceptance or rejection of the Convention, and report their opinion thereupon.

And a committee was accordingly chosen, to wit: From the county of Adams, Mr. Darlinton; from the county of Belmont, Mr. Woods; from the county of Belmont, Mr. Gatch; from the county of Fairfield, Mr. Carpenter; from the county of Jefferson, Mr. Wells; from the county of Hamilton, Mr. Byrd; from the county of Ross, Mr. Worthington; from the county of Trumbull, Mr. Huntington; and from the county of Washington, Mr. Putnam.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the sixth article of the constitution, designating the manner in which sheriffs, coroners and certain other civil officers shall be chosen or appointed, Mr. Gilman in the chair, and after some time spent therein Mr. President resumed the chair, and Mr. Gilman reported, that the committee had, according to order, had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

And then the Convention adjourned until to-morrow, twelve o'clock.

WEDNESDAY, *November the 17th*, 1802.

Mr. Goforth, from the committee appointed to prepare and report a bill of rights, and a schedule for the purpose of carrying into complete operation the constitution and government, reported a schedule, which was received and read the first time: Whereupon,

Ordered, That the said schedule be committed to a committee of the whole Convention to-morrow.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the third article of the constitution, on the judiciary. Mr. Smith in the chair, and after some time spent therein Mr. President resumed the chair, and Mr. Smith reported, that the committee had, according to order, had the said arti-

cle under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

And then the Convention adjourned until to-morrow morning, ten o'clock.

THURSDAY, *November the 18th*, 1802.

Mr. Smith, from the committee appointed to prepare and report the seventh article of the constitution, comprehending the general regulations and provisions of the constitution, made a report, which was received and read the first time: Whereupon,

Ordered, That the said article be committed to a committee of the whole Convention to-morrow.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the schedule to the constitution, Mr. Byrd in the chair, and after some time spent therein Mr. President resumed the chair, and Mr. Byrd reported, that the committee had, according to order had the said schedule under consideration, and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said schedule, with the amendments, do lie on the table.

The Convention proceeded to consider the amendments reported on the ninth instant, from the committee of the whole Convention, to the first article of the constitution, and the same being read some were agreed to and others disagreed to

A motion was then made further to amend the said article at the Secretary's table, by striking out after the word "of," in the second line of the fourth section, the words "twenty-five."

And on the question thereupon it passed in the negative—yeas 10, nays 23.

The yeas and nays being demanded, those who voted in the affirmative are,

Messrs. Baldwin, Carpenter, Darlinton, Grubb, Humphrey, Kirker, Kitchel, Milligan, Morrow and Smith.

Those who voted in the negative are,

Messrs. Abbot, Abrams, Bair, Browne, Byrd, Caldwell, Cutler, Donalson, Gatch, Gilman, Goforth, Huntington, M'Intire, Massie, Paul, Putnam, Reily, Sargent, Updegraff, Wells, Wilson, Wood and Worthington.

Another motion was then made, further to amend the said article by striking out, after the word "chosen," in the first line of the fifth section, the word "biennially," and to insert in lieu thereof the word "annually."

And on the question thereupon, it passed in the negative—yeas 15, nays 18.

And the yeas and nays being demanded, those who voted in the affirmative are,

Messrs. Abbot, Abrams, Baldwin, Browne, Carpenter, Darlinton, Donalson, Gatch, Grubb, Humphrey, Kitchel, Milligan, Sargent, Wilson and Worthington.

Those who voted in the negative are,

Messrs. Byrd, Caldwell, Cutler, Dunlavy, Gilman, Goforth, Huntington, Kirker, M'Intire, Massie, Morrow, Paul, Putnam, Reily, Smith, Updegraff, Wells and Woods.

Another motion was then mad further to amend the said article by striking out, after the word "than," in the sixth line of the sixth section, these words, "one third."

And on the question thereupon, it passed in the negative—yeas 8—nays 25.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Caldwell, Carpenter, Humphrey, Kirker, Milligan, Morrow and Worthington.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Cutler, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Huntington, Kitchel, M'Intire, Massie, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson and Woods.

Another motion was then made, further to amend the said article, and debate arising thereon, an adjournment was called for,

And then the Convention adjourned until three o'clock, P. M.

The Convention met at three o'clock, P. M.

A motion was made to amend the standing rules and orders of the Convention, by inserting after the word 'it,' in the second line of the sixteenth rule, these words, 'unless the ayes and noes has been previously called for.'

And on the question thereupon, agreed to by the Convention.

The Convention resumed the consideration of the amendments reported on the ninth instant, from the committee of the whole Convention, to the first article of the constitution: Whereupon,

The sixteenth section of the said article being under consideration, in the words following:

'Sec. 16. Bills may originate in either House, but may be altered, amended, or rejected by the other.'

A motion was made to strike out the said section, and insert in lieu thereof, a section in the words following:

Sec. 16. Bills may originate in either House, but the other House may propose alterations and amendments; and whenever the House of

Representatives and Senate disagree, a conference shall be held in the presence of both, and shall be managed by committees to be by them respectively chosen; and after such conference had, the points in difference, whether it be the alteration, amendment, or rejection of the bill, shall be determined by the joint vote of the members of both Houses.

And on the question that the Convention do agree to the same, it passed in the negative—yeas 10, nays 24.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Browne, Carpenter, Dunlavy, Grubb, Kitchel, Milligan, Morrow, Paul and Wilson.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Cutler, Darlinton, Donalson, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, M'Intire, Massie, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Woods and Worthington.

Another motion was then made, further to amend the said article, at the Secretary's table, and debate arising thereon, an adjournment was called for,

And then the Convention adjourned until to-morrow morning, ten o'clock.

FRIDAY, *November the 19th*, 1802.

A petition of sundry of the inhabitants of the county of Clermont, was presented to the Convention and read, praying that those privileges which are the absolute right of all men, may be secured to them, &c. Whereupon,

Ordered, That the said petition do lie on the table.

The Convention resumed the consideration of the amendments reported on the ninth instant, from the committee of the whole Convention, to the first article of the constitution: Whereupon,

The amendment moved yesterday to the said article, being under consideration, which was to strike out the nineteenth section, in the words following:

'Sec. 19. The members of the General Assembly, shall receive from the public treasury, a compensation for their services, which shall not exceed two dollars per day, during their attendance on the sessions of respective Houses, and two dollars for every twenty-five miles travel, in going to, and returning from their respective sessions, by the most usual route: *Provided*, That the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made;' and insert in lieu thereof, a section in the words following:

Sec. 19 The Legislature of this state shall not allow the following officers of Government, greater annual salaries than as follows, until the year to wit:

The Governor not more than dollars.

The Judges of the Supreme Court, not more than dollars.

The Secretary, not more than dollars.

The Treasurer, not more than per cent. for receiving and paying out all moneys.

No member of the Legislature shall receive more than per day, nor more for every miles he shall travel in going to and returning from the General Assembly.

And on the question that the Convention agree to the same,

It was resolved in the affirmative—yeas 21—nays 13.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Abrams, Bair, Browne, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Humphrey, Huntington, Kirker, Kitchel, Milligan, Morrow, Paul, Sargent, Updegraff, Wilson and Worthington.

Those who voted in the negative, are

Messrs. Baldwin, Byrd, Cutler, Gilman, Goforth, Grubb, M'Intire, Massie, Putnam, Reily, Smith, Wells and Woods.

A motion was made to amend the said section, by adding after the word 'than,' in the fourth line, these words, 'twelve hundred.'

And on the question thereupon,

It passed in the negative—yeas 13—nays 21.

The yeas and nays being demanded,

Those who voted in the affirmative, are

Messrs. Abbot, Baldwin, Byrd, Caldwell, Cutler, Gilman, Goforth, Huntington, Massie, Putnam, Smith, Wells and Woods.

Those who voted in the negative, are

Messrs Abrams, Bair, Browne, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Kirker, Kitchel, M'Intire, Milligan, Morrow, Paul, Reily, Sargent, Updegraff, Wilson and Worthington.

Another motion was then made, and the question being put further to amend the said section, by inserting after the word 'than,' in the fourth line, the words 'one thousand,'

It was resolved in the affirmative—yeas 23—nays 11.

The yeas and nays being demanded,

Those who voted in the affirmative, are

Messrs. Abrams, Baldwin, Browne, Caldwell, Carpenter, Cutler, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, M'Intire, Massie, Milligan, Putnam, Sargent, Smith, Updegraff, Wells, Woods and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Bair, Byrd, Darlinton, Donalson, Dunlavy, Kitchel, Morrow, Paul, Reily and Wilson.

Another motion was then made, and the question being put, further to amend the said section, by inserting after the word 'than,' in the 8th line, these words, 'six hundred.'

It passed in the negative—yeas 5--nays 29.

The yeas and nays being demanded,

Those who voted in the affirmative, are

Messrs. Baldwin, Byrd, Gilman, Massie and Wells.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Bair, Browne, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, M'Intire, Milligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wilson, Woods and Worthington.

Another motion was then made, and the question being put, further to amend the said section, by inserting, after the word 'than,' in the 14th line, these words, 'two dollars.'

It was resolved in the affirmative--yeas 25--nays 9.

The yeas and nays being demanded,

Those who voted in the affirmative, are

Messrs. Abbot, Abrams, Bair, Browne, Byrd, Carpenter, Cutler, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, M'Intire, Milligan, Morrow, Putnam, Reily, Sargent, Smith, Updegraff, Wells and Worthington.

Those who voted in the negative, are

Messrs. Baldwin, Caldwell, Darlinton, Donalson, Gilman, Massie, Paul, Wilson and Woods.

Another motion was then made, and the question being put, further to amend the said section, by adding to the end of the section a proviso. in the words following: *Provided*, That no member of this Convention shall be appointed to any office created by this constitution, until the expiration of one year after the constitution shall take effect, except such officers as are hereby made elective by the people, and to county offices.

It passed in the negative—yeas 3—nays 31.

The yeas and nays being demanded,

Those who voted in the affirmative, are

Messrs. Abbot, Paul and Reily.

Those who voted in the negative, are

Messrs. Baldwin, Bair, Browne, Byrd, Caldwell Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, M'Intire, Massie, Milligan, Morrow, Putnam, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made, and the question being put, further to amend the said section, by inserting between the seventh and eighth lines of the section, the words following: the Auditor of public accounts, not more than seven hundred and fifty dollars.

It was resolved in the affirmative—yeas 17--nays 17.

The Convention being equally divided, and Mr. President declaring himself with the yeas.

The yeas and nays being demanded, were as follow:

YEAS—Messrs. Abrams, Browne, Byrd. Carpenter, Dunlavy, Gatch, Gilman, Goforth, Humphrey, Kitchel, Massie, Morrow, Paul, Reily Sargent, Wilson and Worthington.

NAYS—Messrs. Abbot, Baldwin Bair, Caldwell, Cutler. Darlinton, Donalson, Grubb, Huntington, Kirker, M'Intire, Milligan, Putnam, Smith, Updegraff, Wells and Woods.

Another motion was then made, and the question being put, further to amend the said section, by inserting, after the word 'greater,' in the second line of the section, these words, 'nor less.'

It passed in the negative—yeas 5—nays 29.

The yeas and nays being demanded,

Those who voted in the affirmative, are

Messrs. Baldwin, Byrd, Gilman, Wells and Woods.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Bair, Browne. Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, M'Intire, Massie, Milligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Woods and Worthington.

The said section was further amended at the Secretary's table, and on the question that the Convention do receive the said section, as amended, in the words following:

Sec. 19. The Legislature of this state, shall not allow the following officers of Government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to wit:

The Governor, not more than one thousand dollars. The Judges of the Supreme Court, not more than one thousand dollars each. The Secretary, not more than five hundred dollars. The Auditor of public accounts, not more than seven hundred and fifty dollars. The Treasurer, not more than four hundred and fifty dollars. No member of the Legislature, shall receive more than two dollars per day, during their attendance on the Legislature, nor more for every twenty-five miles he shall travel in going to, and returning from the General Assembly.

It was resolved in the affirmative—yeas 21—nays 13.

The yeas and nays being demanded,

Those who voted in the affirmative, are

Messrs. Abrams, Bair, Browne, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Kirker, Kitchel, Milligan, Morrow, Paul, Sargent, Smith, Updegraff, Wilson and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Baldwin, Byrd, Cutler, Gilman, Goforth, Huntington, M'Intire, Massie, Putnam, Reily, Wells and Woods.

The said article was further amended at the Secretary's table, and with the amendments, was ordered to lie on the table.

The Convention, according to order of the day, resolved itself into a committee of the whole Convention, on the seventh article of the constitution, comprehending the general regulations and provisions of the constitution, Mr. Smith in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Smith reported, that the com-

mittee had, according to order, had the said article under consideration, and made some progress therein.

Resolved, That the Convention will, to-morrow, again resolve itself into a committee of the whole convention, on the said article.

And then the Convention adjourned until to-morrow morning, nine o'clock.

SATURDAY, *November the 20th*, 1802.

The Convention, according to the order of the day, again resolved itself into a committee of the whole Convention, on the seventh article of the constitution, comprehending the general regulations and provisions of the constitution, Mr. Smith in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Smith reported, that the committee had, according to order, again had the said article under consideration, and made several amendments thereto; which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

The Convention proceeded to consider the amendments reported on the tenth instant, from the committee of the whole Convention, to the second article of the constitution, on the supreme executive authority, and the same being read, were agreed to by the Convention.

The said article was further amended at the Secretary's table, and, together with the amendments, ordered to lie on the table.

The Convention proceeded to consider the amendments reported on the twelfth instant, from the committee of the whole Convention, to the bill of rights; and the same being read, some were agreed to, and others disagreed to.

A motion was then made to amend the said bill of rights, at the Secretary's table, by striking out after the word 'convicted,' in the fourth line of the second section, the words following 'nor shall any male person arrived at the age of twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant, under pretence of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration, received or to be received for their service, except as before excepted.'

And on the question thereupon, it passed in the negative—yeas 12—nays 21.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Bair, Caldwell, Dunlavy, Grubb, Kitchel, Morrow, Paul, Reily, Sargent, Smith and Wilson.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Browne, Byrd, Carpenter, Cutler, Darlington, Donalson, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, M'Intire, Milligan, Putnam, Updegraff, Wells, Woods and Worthington.

Another motion was then made further to amend the said section, by inserting after the word 'convicted,' in the fourth line of the said section, the words following, 'nor shall there be either slavery or involuntary servitude, ever admitted in any state, to be erected on the north-west side of the River Ohio, within the limits of the United States, except as above excepted.'

And on the question thereupon, it passed in the negative—yeas 2—nays 31.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Paul and Reily.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy. Gatch, Gilman, Goforth, Grubb, Humphre , Huntington, Kirker, Kitchel, M'Intire, Milligan, Morrow, Putnam, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made further to amend the said article, by striking out after the word 'and,' in the ninth and tenth lines of the 3d section, the words following, 'no religious test shall be required as a qualification to any office of trust or profit,' and to insert in lieu thereof the words, 'no person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this state.'

And on the question thereupon, it passed in the negative—yeas 3—nays 30.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs Caldwell, Humphrey and Milligan.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Huntington, Kirker, Kitchel, M'Intire, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made, further to amend the said article, by inserting a new section, between the twenty-second and twenty-third sections, in the words following:

That the laying taxes by the poll is grievous and oppressive; therefore the Legislature shall never levy a poll tax for county or state purposes

And on the question that the Convention do agree to the same, it was resolved in the affirmative—yeas 26, nays 7.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Goforth, Grubb, Huntington,

Kirker, Kitchel, Milligan, Morrow, Paul, Sargent, Smith, Wells, Wilson. Woods and Worthington.

Those who voted in the negative, are

Messrs. Gatch, Gilman, Humphrey, M'Intire, Putnam, Reily and Updegraff.

Another motion was made further to amend the said article, and debate arising thereon, an adjournment was called for:

And then the Convention adjourned until Monday morning, ten o'clock.

MONDAY, *November the 22d*, 1802.

The Convention resumed the consideration of the amendments reported on the twelfth instant, from the committee of the whole Convention, to the bill of rights, and the same being further amended, was ordered to lie on the table.

The Convention proceeded to consider the amendments reported on the seventeenth instant, from the committee of the whole Convention, to the third article of the constitution, on the judiciary: Whereupon,

Ordered, That the said article be recommitted to a committee of the whole Convention to morrow.

The Convention proceeded to consider the amendments reported on the sixteenth instant, from the committee of the whole Convention, to the fourth article of the constitution, designating the qualifications of electors, and the same being read, were agreed to by the Convention.

A motion was then made, further to amend the said article at the Secretary's table, by striking out, after the word "all," in the first line of the first section, the word "white."

And on the question thereupon, it passed in the negative—yeas 14, nays 19.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Browne, Cutler, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kitchel, Paul, Putnam, Sargent, Updegraff, Wells and Wilson.

Those who voted in the negative, are

Messrs Abrams, Baldwin, Bair, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Humphrey, Huntington, Kirker, M'Intire, Massie, Milligan, Morrow, Reily, Smith, Woods and Worthington.

Another motion was then made further to amend the said section, by striking out after the word "election," in the third line, the words following—"and who have paid or are charged with a state or county tax."

And on the question thereupon, it passed in the negative—yeas 8, nays 26.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Baldwin, Bair, Browne, Caldwell, Grubb, Milligan, Sargent and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Byrd, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, Kitchel, M'Intire, Massie, Morrow, Paul, Putnam, Reiley, Smith, Updegraff, Wells, Wilson and Woods.

Another motion was then made further to amend the said section, by adding to the end of the section a proviso, in the words following:

Provided, That all male negroes and mulattoes, now residing in this territory, shall be entitled to the right of suffrage, if they shall within months make a record of their citizenship.

And on the question thereupon, it was resolved in the affirmative—yeas 19, nays 15.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Byrd, Cutler, Darlinton, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kitchel, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells and Wilson.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Bair, Browne, Caldwell, Carpenter, Donalson, Humphrey, Huntington, Kirker, M'Intire, Massie, Milligan, Woods and Worthington.

Another motion was then made further to amend the said section, by adding to the end of the section a proviso, in the words following:

And provided also, That the male descendants of such negroes and mulattoes as shall be recorded, shall be entitled to the same privilege.

And on the question thereupon, it passed in the negative—yeas 16, nays 17.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Browne, Byrd, Cutler, Darlinton, Dunlavy, Gilman, Goforth, Grubb, Kitchel, Morrow, Paul, Putnam, Sargent, Updegraff, Wells and Wilson.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Baldwin, Bair, Caldwell, Carpenter, Donalson, Humphrey, Huntington, Kirker, M'Intire, Massie, Milligan, Reily, Smith, Woods and Worthington.

The said article was further amended at the Secretary's table, and, with the amendments, ordered to lie on the table.

The Convention proceeded to consider the amendments, reported on the sixteenth instant, from the committee of the whole Convention, to the fifth article of the constitution, declaring the manner in which militia officers shall be chosen or appointed, and the same being read, were agreed to by the Convention.

The said article was further amended at the Secretary's table, and, with the amendments, was ordered to lie on the table.

The Convention proceeded to consider the amendments, reported on the twentieth instant, from the committee of the whole Convention, to the seventh article of the constitution, comprehending the general regulations and provisions of the constitution, and the same being read, some were agreed to and others disagreed to.

A motion was then made, further to amend the said article at the Secretary's table, by striking out, after the word "that," in the fifth line of the fifth section, these words, "a majority," and insert in lieu thereof, these words, "two thirds."

And on the question thereupon, it passed in the negative—yea 1, nays 33.

The yeas and nays being demanded, the vote in the affirmative was,

Mr. Kirker.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Humphrey, Huntington, Kitchel, M'Intire, Massie, Milligan, Morrow, Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made, further to amend the said article, by adding a new section as the seventh section, in the words following:

Sec. 7. No negro or mulatto shall ever be eligible to any office, civil or military, or give their oath in any court of justice against a white person, be subject to do military duty, or pay a poll tax in this state: Provided always, and it is fully understood and declared, that all negroes and mulattoes, now in, or who may hereafter reside in this state, shall be entitled to all the privileges of citizens of this state, not excepted by this constitution.

And on the question thereupon, it was resolved in the affirmative—yeas 19, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Grubb, Humphrey, Kirker, M'Intire, Massie, Milligan, Morrow, Smith, Tiffin, Woods and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Browne, Cutler, Dulavy, Gatch, Gilman, Goforth, Huntington, Kitchel, Paul, Putnam, Reily, Sargent, Updegraff, Wells and Wilson.

The said article was further amended at the Secretary's table, and with the amendments, was ordered to lie on the table.

And then the Convention adjourned until to morrow morning, ten o'clock.

TUESDAY, *November the 23d*, 1802.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the third article of the

constitution, on the judiciary, Mr. Baldwin in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Baldwin reported, that the committee had, according to order, had the said article under consideration, and made several amendments thereto, which he delivered in at the Secretary's table: Whereupon,

Ordered, That the said article, with the amendments, do lie on the table.

The Convention proceeded to consider the amendments, reported on the eighteenth instant, from the committee of the whole Convention, to the schedule to the constitution, and the same being read, were agreed to by the Convention.

A motion was made, further to amend the said article at the Secretary's table, by striking out, after the word "and," in the fourth line of the seventh section, the word " eight," and to insert in lieu thereof, the word "ten."

And on the question thereupon, it was resolved in the affirmative—yeas 19, nays 14.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Browne, Byrd, Carpenter, Cutler, Donalson, Dunlavy, Goforth, Kirker, Kitchel, Massie, Morrow, Paul, Putnam, Reily, Smith, Wells, Wilson, Woods and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Baldwin, Bair, Caldwell, Darlinton, Gatch, Gilman, Grubb, Humphrey, Huntington, M'Intire, Milligan, Sargent and Updegraff.

Another motion was then made, further to amend the said section, by striking out after the word "to" in the third line of the said section, the word "four," and insert in lieu thereof, the word "five."

And on the question thereupon, it was resolved in the affirmative—yeas 17, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Browne, Byrd, Carpenter, Cutler, Donalson, Dunlavy, Goforth, Kitchel, Massie, Morrow, Paul, Reily, Smith, Wells, Wilson, Woods and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Baldwin, Bair, Caldwell, Darlinton, Gatch, Gilman, Grubb, Humphrey, Huntington, Kirker, M'Intire, Milligan, Putnam, Sargent, and Updegraff.

The said section being still under consideration, in the words following:

Sec. 7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to five senators and ten representatives; the county of Clermont, one senator and two representatives; the county of Adams, two senators and three representatives; the county of Ross, two senators and five representatives; the county of Fairfield, one

senator and two representatives; the county of Washington, two senators and four representatives; the county of Belmont, one senator and two representatives; the county of Jefferson, two senators and five representatives; the county of Trumbull, one senator and two representatives: Provided, That no new county shall be entitled to a separate representation, prior to the first enumeration.

A motion was made to strike out the said section, and to insert in lieu thereof, a section in the words following:

Sec. 7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to three senators and six representatives; the county of Clermont, one senator and one representative; the county of Adams, one senator and three representatives; the county of Ross, two senators and four representatives; the county of Fairfield, one senator and one representative; the county of Washington, one senator and three representatives; the county of Belmont, one senator and one representative; the county of Jefferson, one senator and three representatives; the county of Trumbull, one senator and two representatives: Provided, No new county shall be entitled to a separate representation, prior to the first enumeration.

And on the question thereupon, it passed in the negative—yeas 10, nays 23.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Browne, Darlinton, Donalson, Gatch, Huntington, Kirker, Kitchel, Massie and Morrow.

Those who voted in the negative, are

Messrs Baldwin, Bair, Byrd, Caldwell, Carpenter, Cutler, Dunlavy, Gilman, Goforth, Grubb, Humphrey, M'Intire, Milligan Paul, Putnam, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Another motion was then made further to amend the said section, by striking out after the word "to," in the third line, the word "five," and insert in lieu thereof, the word "four."

And on the question thereupon, it was resolved in the affirmative—yeas 26, nays 17.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Baldwin, Bair, Browne, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Grubb, Humphrey, Huntington, Kirker, M'Intire, Massie, Milligan, Putnam, Sargent, Updegraff, Wells, Wilson, Woods and Worthington.

Those who voted in the negative, are

Messrs. Byrd, Goforth, Kitchell, Morrow, Paul, Reily and Smith.

Another motion was then made that the Convention do receive the said section, with the amendments last aforesaid.

And on the question thereupon, it was resolved in the affirmative—yeas 21, nays 12.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Baldwin, Bair, Caldwell, Carpenter, Cutler, Gatch, Gilman, Grubb, Huntington, Kirker, M'Intire, Massie, Milligan, Putnam Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Browne, Byrd, Darlinton, Donalson, Dunlavy, Goforth, Humphrey, Kitchel, Morrow, Paul and Reily.

The said article was further amended at the Secretary's table, and with the amendments, was ordered to lie on the table.

And then the Convention adjourned until to-morrow morning, eleven o'clock.

WEDNESDAY, *November the 24th*, 1802.

Mr. Gatch, from the committee to whom was referred the propositions made by Congress to the Convention, for their acceptance or rejection, made a report, which was received and read the first time: Whereupon,

Resolved, That the Convention will immediately resolve itself into a committee of the whole Convention, on the said report.

The Convention accordingly resolved itself into the said committee, Mr. Goforth in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Goforth reported, that the committee had, according to order, had the said report under consideration and made some progress therein: Whereupon,

Resolved, That the Convention will, to-day, again resolve itself into a committee of the whole Convention, on the said report.

And then the Convention adjourned until three o'clock, P. M.

The Convention met at three o'clock, P. M.

The Convention, according to the order of the day, again resolved itself into a committee of the whole Convention, on the report of the committee to whom was referred the propositions made by Congress to the Convention, for their acceptance or rejection, Mr. Browne in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Browne reported, that the committee had, according to order, again had the said report under consideration and had directed him to report their disagreement to the same.

Ordered, That the said report do lie on the table.

And then the Convention adjourned until to-morrow morning, ten o'clock.

THURSDAY, *November the 25th*, 1802.

The Convention proceeded to consider the amendments reported on Tuesday last, from the committee of the whole Convention, to the third article of the constitution, on the judiciary: Whereupon,

Ordered, That the said article be recommitted to a committee of the whole Convention immediately.

The Convention accordingly resolved itself into the said committee, Mr. Byrd in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Byrd reported, that the committee had, according to order, had the said article under consideration and made several amendments thereto, which he delivered in at the Secretary's table.

Ordered, That the said article, with the amendments, do lie on the table.

On motion, The first article of the constitution was taken up and read the third time, in order for its final passage.

A motion was made to strike out in the nineteenth section, the words following: "The Legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to wit: the Governor, not more than one thousand dollars; the Judges of the Supreme Court, not more than one thousand dollars each; the Presidents of the Courts of Common Pleas, not more than eight hundred dollars each; the Secretary of State, not more than five hundred dollars; the Auditor of public accounts, not more than seven hundred and fifty dollars; the Treasurer, not more than four hundred and fifty dollars.

And on the question thereupon, it passed in the negative—yeas 11, nays 21

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Baldwin, Byrd, Cutler, Gilman, Goforth, M'Intire, Massie, Putnam, Smith, Wells and Woods.

Those who voted in the negative, are

Messrs. Abbot, Bair, Browne, Caldwell, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Huntington, Kirker, Kitchel, Milligan, Morrow, Paul, Reily, Sargent, Updegraff, Wilson and Worthington.

The said article was further amended at the Secretary's table, and on the question that the Convention do receive the said article as amended, it was resolved in the affirmative.

On motion, The second article of the constitution, on the supreme executive authority, was taken up and read the third time, in order for its final passage, and on the question, that the Convention do receive the said article, it was resolved in the affirmative.

And then the Convention adjourned until to-morrow morning, ten o'clock.

FRIDAY, *November the 26th*, 1802.

On motion, Ordered, That a committee of five be appointed to prepare an address to the President of the United States and both branches of the Federal Legislature, expressive of the high sense this Convention entertain of the cheerful and philanthropic manner in which they made provision for the admission of this state into the Union, and expressive of their approbation of the present administration of the general government.

And a committee was appointed of Mr. Goforth, Mr. Byrd, Mr. Massie, Mr. Huntington and Mr. Baldwin.

On motion, The fourth article of the constitution, designating the qualifications of electors, was taken up and read the third time, in order for its final passage.

A motion was made to amend the said article, by striking out after the word "election." in the seventh line of the first section, the words following: "Provided, That all male negroes and mulattoes now residing in this territory, shall, at the age of twenty-one years, be entitled to the right of suffrage, if they shall, within one year, make a record of their citizenship with the clerk of the county in which they may reside; and, provided also, that they have paid or are charged with a state or county tax."

And on the question thereupon, it was resolved in the affirmative—yeas 17, nays 17.

The Convention being equally divided, and Mr. President declaring himself with the yeas.

The yeas and nays being demanded, were as follows:

YEAS—Messrs. Abrams, Baldwin, Bair, Caldwell, Carpenter, Darlinton, Grubb, Humphrey, Huntington, Kirker, M'Intire, Massie, Milligan, Smith, Woods and Worthington.

NAYS—Messrs Abbot, Browne, Byrd, Cutler, Dunlavy, Gatch, Gilman, Goforth, Kitchel, Morrow, Paul, Putnam, Reily, Sargent, Updegraff, Wells and Wilson.

Another motion was then made, further to amend the said article, by striking out the fifth section, which follows, in these words, to wit:

"Sec 5. Nothing contained in this article shall be so construed, as to prevent white male persons, above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the state, from having the right of an elector."

And on the question thereupon, it passed in the negative—yeas 13, nays 21.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Cutler, Gilman, Goforth, Huntington, Kirker, M'Intire, Massie, Putnam, Reily, Updegraff, Wells and Woods.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Kitchel, Milligan, Morrow, Paul, Sargent, Smith, Wilson and Worthington.

On motion, That the Convention do receive the said article as amended, it was resolved in the affirmative.

The Convention proceeded to consider the amendments reported on yesterday, from the committee of the whole Convention, to the third article of the constitution, on the judiciary, and the same being read, were agreed to by the Convention.

The said article was further amended at the Secretary's table, and with the amendments, was ordered to lie on the table.

On motion, The fifth article of the constitution, declaring the manner in which militia officers are to be chosen or appointed, was taken up and read the third time, in order for its final passage.

And on the question that the Convention do receive the said article, it was resolved in the affirmative.

On motion, The sixth article of the constitution, designating the manner in which sheriffs, coroners and certain other civil officers are chosen or appointed, was then taken up and read the third time, in order for its final passage.

And on the question that the Convention do receive the said article, it was resolved in the affirmative.

On motion, The seventh article of the constitution, comprehending the general regulations and provisions of the constitution, was taken up and read the third time, in order for its final passage.

A motion was then made, to amend the said article at the Secretary's table, by striking out, after the word "contents," in the fifth line of the third section, the words following: "No new county shall be established by the Legislature, which is not entitled by its numbers to a representative."

And on the question thereupon, it was resolved in the affirmative—yeas 22, nays 12.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Abrams, Bair, Browne, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Grubb, Humphrey, Huntington, Kirker, Kitchel, M'Intire, Paul, Putnam, Reily, Updegraff, Wilson, Woods and Worthington.

Those who voted in the negative, are

Messrs. Baldwin, Byrd, Caldwell, Cutler, Gilman, Goforth, Massie, Milligan, Morrow, Sargent, Smith and Wells.

Another motion was then made, further to amend the said section, by striking out after the word "than," in the fourth line, the word "four," and insert in lieu thereof, the word "five."

And on the question thereupon, it passed in the negative—yeas 11, nays 23.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Caldwell, Cutler, Gilman, M'Intire, Massie, Putnam, Reily, Sargent, Smith and Wells.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Bair, Browne, Byrd, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Huntington, Kirker, Kitchel, Milligan, Morrow, Paul, Wilson, Woods and Worthington.

Another motion was then made, further to amend the said article, by striking out after the word "that," in the first line of the fifth section, these words, "after the year one thousand eight hundred and six."

And on the question thereupon, it passed in the negative—yeas 12, nays 21.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Abrams, Cutler, Gilman, Huntington, M'Intire, Paul, Putnam, Reily, Updegraff, Wells and Woods.

Those who voted in the negative, are

Messrs. Baldwin, Browne, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Humphrey, Kirker, Kitchel, Massie, Milligan, Morrow, Sargent, Smith, Wilson and Worthington.

Another motion was then made, further to amend the said article, by striking out the seventh section in the words following:

Sec 7. But no negro or mulatto shall ever be eligible to any office, civil or military, or give their oath in any court of justice against a white person, be subject to do military duty, or pay a poll tax in this state: Provided always, and it is fully understood and declared, that all negroes and mulattoes, now in, or who may hereafter reside in this state, shall be entitled to all the privileges of citizens of this state, not excepted by this constitution.

And on the question thereupon, it was resolved in the affirmative—yeas 17, nays 16.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Browne, Cutler, Dunlavy, Gatch, Gilman, Goforth, Huntington, Kitchel, Milligan, Paul, Putnam, Reily, Sargent, Updegraff, Wells and Wilson.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Bair, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Grubb, Humphrey, Kirker, Massie, Morrow, Smith, Woods and Worthington.

A motion was made and seconded, to amend the said article, by adding a new section as the seventh section, in the words following:

Sec. 7. No negro or mulatto shall ever be eligible to any office, civil or military, or be subject to do military duty.

The previous question was called for by three members, to wit:—"Shall the main question, to receive the said section, be now put?"

And on the previous question, shall the main question be now put? it was resolved in the negative,

The said article was further amended at the Secretary's table.

And on the question being being put, that the Convention do receive the said article, as amended, it was resolved in the affirmative.

On motion, The eighth article of the constitution was taken up and read the third time, in order for its final passage.

A motion was made to amend the said article, by inserting after the word "indenture," in the tenth line of the second section, these words, "of any negro or mulatto."

And on the question thereupon, it was resolved in the affirmative—yeas 20, nays 13.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Browne, Byrd, Caldwell, Carpenter, Darlinton, Gatch, Gilman, Goforth, Humphrey, Huntington, Kirker, Kitchel, Massie, Morrow, Putnam, Smith, Updegraff, Wells and Worthington.

Those who voted in the negative, are

Messrs. Abrams, Baldwin, Bair, Donalson, Dunlavy, Grubb, M'Intire, Milligan, Paul, Reily, Sargent, Wilson and Woods.

Another motion was then made, further to amend the said article, by striking out after the word "worship," in the eighth and ninth lines, the words, "and no religious test shall be required as a qualification to any office of trust or profit."

And on the question thereupon, it passed in the negative—yeas 6, nays 28.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Caldwell, Cutler, Gilman, Humphrey, Morrow and Putnam.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Baldwin, Bair, Browne, Byrd, Carpenter, Darlinton, Donalson, Dunlavy, Gatch, Goforth, Grubb, Huntington, Kirker, Kitchel, M'Intire, Massie, Milligan, Paul, Reily, Sargent, Smith, Updegraff, Wells, Wilson, Woods and Worthington.

The said article was further amended at the Secretary's table,

And on the question that the Convention do receive the said article as amended,

It was resolved in the affirmative,

On motion, The schedule to the constitution was taken up and read the third time, in order for its final passage.

The said schedule was further amended at the Secretary's table.

And on the question that the Convention do receive the said schedule as amended,

It was resolved in the affirmative.

And then the Convention adjourned until to-morrow morning, ten o'clock.

SATURDAY, *November the 27th*, 1802.

Mr. Goforth, from the committee appointed to prepare an address to the President of the United States, and both branches of the Federal Legislature, expressive of the high sense the Convention entertain of the cheerful and philanthropic manner in which they made provision for the admission of this state into the Union; and expressive of their approbation of the present administration of the general government, made a report, which was received and read the first time.

On motion, The said report was read the second time, and on the question thereupon, agreed to by the Convention, in the words following:

To the President and both Houses of Congress of the United States:

The Convention of the state of Ohio, duly appreciating the importance of a free and independent state government, and impressed with sentiments of gratitude to the Congress of the United States, for the prompt and decisive measures taken at their last session, to enable the people of the north-western territory, to immerge from their colonial government, and to assume a rank among the sister states, beg leave to take the earliest opportunity of announcing to you this important event: on this occasion the Convention cannot help expressing their unequivocal approbation of the measures pursued by the present administration of the general government, and both Houses of Congress, in diminishing the public burthens, cultivating peace with all nations, and promoting the happiness and prosperity of our country.

Resolved, That the President of this Convention. do inclose to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the United States, the foregoing address.

On motion, The third article of the constitution was taken up and read the third time, in order for its final passage.

A motion was made, further to amend the said article, at the Secretary's table, by striking out after the word 'himself,' in the eighth line of the ninth section, the words following: 'They shall be removable for breach of good behaviour, at any time, by the Judges of the respective courts.'

And on the question thereupon, it passed in the negative--yeas 13--nays 20.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Browne, Caldwell, Darlinton, Donalson, Dunlavy, Grubb, Milligan, Morrow, Paul. Reily, Smith, Wilson and Worthington.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Baldwin, Byrd, Carpenter, Cutler, Gatch, Gilman, Goforth, Humphrey, Huntington, Kinker, Kitchel, M'Intire, Massie, Putnam, Sargent, Updegraff. Wells and Woods.

The said article was further amended at the Secretary's table.

And on question, that the Convention do receive the said article as amended, it was resolved in the affirmative.

On motion, Ordered, That the constitution now framed, be engrossed.

On motion, The report of the committee of the whole Convention, on Thursday last, on their disagreement to the report of the Select committee, to whom was referred the propositions made by Congress to the Convention, for their acceptance or rejection, was taken up and read: Whereupon,

Ordered, That the said report be recommitted to Mr. Putnam, Mr. Smith, Mr. Huntington, Mr. Massie and Mr. Wells, who are to report their opinion thereupon.

Mr. Putnam, from the commitee to whom was recommitted the propositions made by Congress to the Convention, for their acceptance or rejection, made a report; which was received and read the first time: Whereupon,

Ordered, That the said report be committed to a committee of the whole Convention, on Monday next.

And then the Convention adjourned until Monday morning, nine o'clock.

MONDAY, *November the 29th*, 1802.

The Convention, according to the order of the day, resolved itself into a committee of the whole Convention, on the report of the Select committee, to whom was recommitted the propositions made by Congress to the Convention, for their acceptance or rejection, Mr. Wells in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Wells reported, that the committee of the whole Convention had, according to order, had under their consideration, the said report, and made several amendments thereto; which he delivered in at the Secretary's table.

The Convention proceeded to consider the said amendments, and the same being read, some were agreed to, and others disagreed to.

The preamble to the said report being under consideration, in the words following:

'We the Representatives of the people of the eastern division of the territory north-west of the river Ohio, being assembled in Convention, pursuant to an act of Congress, entitled 'An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes;' and having had under consideration the propositions offered by said act, for our free acceptance or rejection, do resolve to accept of the said propositions, provided the following addition to, and modification of the said propositions, shall be agreed to by the Congress of the United States, viz:

A motion was made and seconded, to strike out the proviso to the said preamble, in the words following: 'Provided the following addition to,

and modification of the said propositions, shall be agreed to by the Congress of the United States, viz:?

The previous question was called for by three of the members, to wit:

Shall the main question to strike out the said proviso, be now put?

And on the previous question, shall the main question be now put, it was resolved in the negative—yeas 11—nays 22.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Baldwin, Byrd, Caldwell, Carpenter, Darlinton, Donalson, Gatch, Grubb, Kirker, Massie and Sargent.

Those who voted in the negative, are

Messrs. Abbot, Abrams, Bair, Browne, Cutler, Dunlavy, Gilman, Goforth, Humphrey, Huntington, Kitchel, M'Intire, Milligan, Morrow, Paul, Putnam, Reily, Smith, Updegraff, Wells, Wilson and Woods

On motion, Ordered, That a committee be appointed to prepare and report a resolution for the ascertaining the fees of the officers of the Convention, and that Mr. Reily, Mr. Browne and Mr. Goforth, be the said committee.

On motion, Ordered, That a committee be appointed to prepare and report a resolution on the subject of distributing the journals and constitution, in the several counties; and that Mr. Dunlavy, Mr. Paul and Mr. Bair, be the said committee.

Mr. Reily, from the committee appointed to prepare and report a resolution for the ascertaining the fees of the officers of the Convention, made a report, which was received and read the first time, and agreed to by the Convention, in the words following, to wit:

Resolved, That there be allowed to the Secretary of this Convention, the sum of three dollars per day; to the assistant Secretary, the sum of three dollars per day; and to the Door-Keeper, the sum of one dollar and fifty cents per day, for their services respectively, during their attendance on the Convention.

Mr. Dunlavy, from the committee appointed to prepare and report a resolution on the subject of distributing the journals of the Convention and the constitution, made a report, which was received and read the first time, and agreed to by the Convention, in the words following:

'*Resolved*, That the following number of copies of the journal of the Convention and of the constitution of the state of Ohio, be sent by the printer, to be put in the possession of the members of this Convention, to be distributed by them for the information of the people in their respective counties, to wit:

To the county of Adams, sixty copies of the journal, and eighty-eight copies of the constitution, to be sent to Israel Donalson. To the county of Belmont, forty copies of the journal, and sixty copies of the constitution, to be sent to James Caldwell, at St. Clairsville. To the county of Clermont, forty copies of the journal, and sixty copies of the constitution, to be sent to Roger Warren. To the county of Fairfield, forty copies of the journal, and sixty copies of the constitution, to be sent to

Emanuel Carpenter. To the county of Hamilton, two hundred copies of the journal and two hundred and eighty copies of the constitution, to be sent to John Reily. To the county of Jefferson, one hundred copies of the journal and one hundred and forty copies of the constitution, to be sent to John Ward. To the county of Ross, one hundred copies of the journal and one hundred and forty copies of the constitution, to be sent to Edward Tiffin. To the county of Trumbull, forty copies of the journal and sixty copies of the constitution, to be sent to Calvin Pease. To the county of Washington, eighty copies of the journal and one hundred and twelve copies of the constitution, to be sent to Benjamin Ives Gilman.

On motion,

Resolved, That the Secretary of the Convention be authorized to deliver the engrossed constitution to the President, to be by him kept until a Secretary of State shall be elected and duly qualified, after which it shall be the duty of the President to deliver the said constitution to the Secretary of State, to be by him filed in his office.

On motion,

Resolved, That the constitution be ratified by the Convention.

And thereupon, the following members ratified and subscribed their names to the constitution, to wit:

EDWARD TIFFIN, *President*,

And Representative from the county of Ross.

From Adams county—Joseph Darlinton, Israel Donalson and Thomas Kirker.

From Belmont county—James Caldwell and Elijah Woods.

From Clermont county—Philip Gatch and James Sargent.

From Fairfield county—Henry Abrams and Emanuel Carpenter.

From Hamilton county—John W. Browne, Charles Willing Byrd, Francis Dunlavy, William Goforth, John Kitchel, Jeremiah Morrow, John Paul, John Reily, John Smith and John Wilson.

From Jefferson county—Rudolph Bair, George Humphrey, John Milligan, Nathan Updegraff and Bazaleel Wells.

From Ross county—Michael Baldwin, James Grubb, Nathaniel Massie and T. Worthington.

From Trumbull county—David Abbot and Samuel Huntington.

From Washington county—Ephraim Cutler, Benjamin Ives Gilman, John M'Intire and Rufus Putnam.

A motion was made and seconded, that the Convention adjourn until the Tuesday of March next.

And on the question thereupon, it passed in the negative—yeas 8, nays 24.

The yeas and nays being demanded, those who voted in the affirmative, are

Messrs. Abbot, Abrams, Bair, Browne, Humphrey, Huntington, Putnam and Smith.

Those who voted in the negative, are

Messrs. Baldwin, Byrd, Caldwell, Carpenter, Cutler, Darlinton, Donalson, Dunlavy, Gatch, Gilman, Goforth, Grubb, Kirker, Kitchel, M'Intire, Massie, Milligan, Morrow, Paul, Reily, Sargent, Updegraff, Wells and Wilson.

And then the Convention adjourned, *sine die.*

ATTEST,

THOMAS SCOTT, SECRETARY.